

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-1433V

Filed: April 5, 2016

UNPUBLISHED

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M.J.P., by her Parents and Natural  
Guardians, DWAN PETTI and  
ANTHONY PETTI,

Petitioners,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Syncope; Hepatitis A; HPV;  
Special Processing Unit ("SPU")

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*Clifford Shoemaker, Shoemaker, Gentry & Knickelbein, Vienna, VA, for petitioner.  
Michael Milmo, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On November 30, 2015, petitioners filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioners allege that their daughter M.J.P. passed out and fell as a result of receiving her February 18, 2015 Hepatitis A and HPV vaccinations, resulting in dental injuries. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 1, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "has concluded that a preponderance of the evidence establishes that M.J.P.'s dental injury is consistent with a vaccine-related syncope, and

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

that her injury is not due to factors unrelated to her February 18, 2015 vaccinations.” *Id.* at 2-3. Respondent further agrees that M.J.P.’s dental injury is compensable as a “caused-in-fact” injury under the Vaccine Act, that the case was timely filed, that M.J.P. received a vaccine set forth in the Vaccine Injury Table, that the vaccine was administered in the United States, and that M.J.P. suffered her condition for more than six months. *Id.* at 3.

**In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master